

SENATE BILL NO. 441

INTRODUCED BY D. HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS GOVERNING GROSS VEHICLE WEIGHT FEES AND THE DEFINITION OF "COMMERCIAL MOTOR VEHICLE"; REVISING THE DEFINITION OF "FARMER" AS IT APPLIES TO A COMMERCIAL MOTOR VEHICLE TO INCLUDE A PERSON ENGAGED IN LANDSCAPING OR PRODUCTION OF CERTAIN OTHER CROPS; REVISING THE REQUIREMENTS TO QUALIFY FOR THE REDUCED GROSS VEHICLE WEIGHT FEES THAT APPLY TO FARM VEHICLES; AND AMENDING SECTIONS 61-1-134 AND 61-10-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-1-134, MCA, is amended to read:

"61-1-134. Commercial motor vehicle defined -- exceptions. (1) Except as provided in subsection (2), "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(a) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(b) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(c) is designed to transport at least 16 passengers, including the driver;

(d) is a school bus as defined in 20-10-101; or

(e) is of any size and is used to transport any quantity or form of hazardous material required to be placarded pursuant to Title 49, Code of Federal Regulations.

(2) The following vehicles are not commercial motor vehicles:

(a) an authorized emergency service vehicle:

(i) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

(ii) entitled to the exemptions granted under 61-8-107; or

(b) a vehicle:

(i) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(ii) used to transport farm products, farm machinery, or farm supplies within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

(iii) not used to transport goods for compensation or hire.

(3) For purposes of this section:

(a) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person; The term includes a person engaged in the business of landscaping or in the production of sod or ornamental, nursery, or horticultural crops that are raised, grown, or produced for commercial purposes.

(b) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle; and

(c) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle."

Section 2. Section 61-10-206, MCA, is amended to read:

"61-10-206. Special fees -- certain farm vehicles. (1) Except for motortrucks owned and operated by cooperative associations or cooperative marketing associations, there must be paid and collected annually a fee equal to 35% of the fees provided in 61-10-201 on:

(a) motortrucks owned and operated by ranchers or farmers in:

(i) the transportation of their own ranch, farm, orchard, or dairy products from point of production to market;

(ii) the transportation of timber harvested on their own ranch, farm, orchard, or dairy from point of harvest to market;

(iii) the transportation of supplies, commodities, or equipment to be used ~~on~~ in the normal operations of the ranch, farm, orchard, or dairy;

(iv) the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard, or dairy; or

(v) the transportation of supplies or commodities to be used on the farm, orchard, or dairy; and

(b) one truck tractor and lowboy trailer used by contractors engaged exclusively in soil conservation work and land leveling activities that result in direct benefit to agriculture.

1 (2) The minimum fee is \$6."

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